

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

UNITED STATES OF AMERICA,

v.

JOSE LUIS PENA-FERRERAS,

Defendant.

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**CASE NO:
7:23-CR-15-WLS-TQL-1**

ORDER

Before the Court is Defendant Jose Luis Pena-Ferreras’ (“Defendant Pena-Ferreras”) Motion to Continue in the Interests of Justice (Doc. 65) (“Motion”). Therein, Defendant Pena-Ferreras asks the Court to continue Defendant Pena-Ferreras’ trial to the next regularly scheduled Valdosta trial term. Defendant Pena-Ferreras also requests continuance of the pretrial conference scheduled for April 16, 2024. However, the Motion was not filed until the morning of the April 16, 2024 pretrial conference. Thus the pretrial conference was held as scheduled.

In his Motion Defendant states a continuance is needed because he “is an individual who is similarly situated to that of his co-defendant ISMIL RODRIGUEZ-AYBAR in the sense that English is not [Defendant Pena-Ferreras] primary/native language, and as a result, [Defendant Pena-Ferreras] is in need of the assistance of an interpreter to translate the discovery that has been supplied to [Defendant Pena-Ferreras] by the Government.” (Doc. 65 ¶ 2). Defense Counsel has not filed a motion for an interpreter on behalf of Defendant Pena Ferreras.¹ At the pretrial conference, counsel for the Government notified the Court that the Government is not ready for trial during the Court’s May 2024 Valdosta Trial Term because of Government Counsel’s reliance on Defense Counsel’s communication to the Court requesting that the case be set for a change of plea hearing.

¹ Government’s Counsel disagreed with Defense Counsel’s assertion that Defendant Pena-Ferreras is similarly situated as his co-defendant Rodriguez-Aybar as to the need for an expert interpreter to translate discovery provided to Defense Counsel for Defendant Pena-Ferreras. The Parties are, however, in agreement that the ends of justice require a continuance.

Based on the Government's stated reasons for a continuance, to permit Defense Counsel to file a motion to appoint an interpreter if appropriate, and to permit Defense Counsel to further confer with Defendant Pena-Ferreras on whether Defendant wishes to accept the Government's plea offer, the Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and Defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A)-(B). Therefore, the Motion (Doc. 65) is **GRANTED IN PART**. The trial in the above-captioned matter is hereby **CONTINUED** to the Valdosta Division August 2024 term and its conclusion, or as may be otherwise ordered by the Court. The request to continue the pretrial conference is **DENIED AS MOOT**.

Furthermore, it is **ORDERED** that the time lost under the Speedy Trial Act, 18 U.S.C. § 3161, be **EXCLUDED** pursuant to 18 U.S.C. § 3161(h)(7) because the Court has continued the trial in this case and finds that the failure to grant a continuance (a) would likely result in a miscarriage of justice, and (b) would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(i), (iv).

SO ORDERED, this 16th day of April 2024.

/s/ W. Louis Sands

W. LOUIS SANDS, SR. JUDGE
UNITED STATES DISTRICT COURT